

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Rec'd PCT/PTO 12 JUL 2005
PCT
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
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Date of mailing
(day/month/year) **19 AUG 2004**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

CML00596JC

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/02614

30 January 2004 (30.01.2004)

31 January 2003 (31.01.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04L 27/28; H04K 1/10 and US Cl.: 375/260; 370/210

Applicant

MOTOROLA, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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WRITTEN OPINION OF THE
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International application No.

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Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-10</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive step (IS) | Claims <u>1-10</u> | YES |
| | Claims <u>NONE</u> | NO |
| Industrial applicability (IA) | Claims <u>1-10</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest an OFDM communication system comprised of a transmitter for obtaining a zero amplitude reduced preamble signal by passing a specified synchronization preamble through an ideal low-pass filter to reduce a single component near zero amplitude within a time domain, and generating an OFDM transmit signal by time-multiplexing the obtained zero amplitude reduced preamble signal with transmit data.

Claims 1-10 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof: Figures 5 and 9 should be labeled as "PRIOR ART"; the table recited in claims 3, 4 and 9 is not shown in the figures.

Claims 1-10 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof:

- in line 1 of claims 1-10, "OFDM communication device" should be "OFDM communication system";
- in claim 1, line 2, "a transmitter" should be "the transmitter";
- claim 7 is a substantial duplicate of claim 5/1;
- claim 8 is a substantial duplicate of claim 5/2;
- claim 9 is a substantial duplicate of claims 5/3 and 5/4;
- claim 10 is a substantial duplicate of claim 6/5/1.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claim 9/8 is objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claim 9 is not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because: the description does not describe how the OFDM transmitter uses a table and the FFT and zero substitution sections together to form an ideal low-pass filter.

Claims 1-6 and 9 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 1-6 and 9 are indefinite for the following reason(s):

with regard to claims 1-6, claim 1 appears to be a preamble without a transition word (e.g. "comprising") and recited limitations thereby rendering the vague and indefinite;

with regard to claims 3, 4 and 9, it is unclear what is stored in the table, i.e. it is unclear what is meant by "values obtained when input signals pass through said ideal low-pass filter in accordance with the values of the input signals." Furthermore, it is unclear how the table relates to the input and output of the ideal low-pass filter; and

with regard to claim 9/8, it is unclear how the table relates/interfaces with the FFT section and zero substitution section recited in claim 8.